

REMARKS

Claims 1-28 are pending in this application. The Examiner has made a restriction requirement. Applicants herein traverse the restriction requirement and provisionally elect claims 1-18.

RESTRICTION REQUIREMENT UNDER 35 USC § 121

The Examiner required restriction under 35 U.S.C. § 121 to one of the following claim groups:

- Group I: Claims 1-18, for an exhaust gas treatment unit, and
Group II: Claims 19-28, for a method for removing nitrogen oxides.

The Examiner alleged that the exhaust gas treatment unit as claimed in Group I can be used to practice another and materially different process, for example, a process for manufacturing a chemical compound. The Examiner asserted that Group I and Group II represent distinct inventions and have acquired a separate status in the art as reflected by their different classification, that the Groups represent divergent subject matter, and that the search for Group I is not required for Group II.

RESPONSE TO RESTRICTION REQUIREMENT

Applicants traverse the restriction requirement and provisionally elect Group I, claims 1-18.

Applicants respectfully disagree with the Examiner and traverse the restriction requirement for the asserted claim Groups I and II. Applicants respectfully submit that the asserted groups do not comprise claims that describe independent and distinct inventions for the purpose of imposing a restriction requirement under 35 U.S.C. § 121.

Applicants submit that the Examiner has not provided sufficient justification as to why it would be burdensome to search the alleged claim groups together. Applicants submit that search results for an exhaust gas treatment unit of Group I would almost certainly include references that could be cited against the processes of Group II. Thus, Applicants submit that separate searches for each of the alleged claim groups would be substantially duplicative. Thus, the search would not impose an undue burden on the Examiner, and it would thus not impose an undue burden on the Examiner to examine the asserted groups together.

Applicants submit that a search for the subject matter of Group I claims would uncover references that could be raised against Group II claims. For example, claim 19 of Group II includes a process for removing nitrogen oxides from lean exhaust gas from an internal combustion engine by selective catalytic reduction using ammonia, comprising passing the exhaust gas over a specified catalyst and storage component, with at least occasional supply of ammonia. Claim 1 of Group I includes an exhaust gas treatment unit for selective catalytic reduction of nitrogen oxides under lean exhaust gas conditions comprising at least one catalyst with a catalytically active component for selective catalytic reduction and at least one storage component for nitrogen oxides. Thus, any search for the exhaust gas treatment unit of Group I, since it comprises at least one catalytically active component for selective catalytic reduction and at least one storage component, would also uncover references for processes of removing nitrogen oxides from lean exhaust gas by selective catalytic reduction of Group II. Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Conclusion

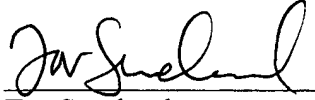
In view of the foregoing, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicants: PFEIFER *et al.*
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Response to Restriction Requirement
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No fee is believed to be due with respect to the filing of this response. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tor Smeland", written over a horizontal line.

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